

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7449 of 2019

=====

Ras Lal Ram S/O Late Bachche lal Ram, Resident of Village - Rudrapur, P.S.-
Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Madhubani.
3. The Sub Divisional Officer, Andhrathadhi, Madhubani.
4. The Block Supply Officer, Andhrathadhi, Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“That the present writ application is being filed on behalf of the petitioner above names for setting aside the order contained in memo no. 593 dated 24.12.2018 by which the PDS license of the petitioner being license No. 26 of 2016 was cancelled by the learned S.D.O., Jhanjharpur, Madhubani further be please to restore the license and supply of the petitioner.”

3. Learned counsel for the petitioner submits that the



solitary ground given in the show cause notice dated 03.12.2018 vide Memo No. 533 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Rudrapur P.S. Case No. 98 of 2018 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the aforesaid FIR against the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS. (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS licence. This view finds support from the decision of this Court in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna 113 as well.

6. In view of the above, the impugned order vide memo no. 593 dated 24.12.2018 (Annexure-5) is hereby quashed and set aside.

7. Needless to say, supplies to the petitioner shall be



restored without delay.

8. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, thereafter, the authorities are free to take necessary action in accordance with law.

9. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

Gauravkr/-

U			
---	--	--	--

